

**Central Administrative Tribunal
Principal Bench**

**CP No.786/2015 in OA No.2550/2015
With**

CP No.111/2016 in OA No.2657/2015

CP No.112/2016 in OA No.2651/2015

CP No.113/2016 in OA No.2636/2015

CP No.114/2016 in OA No.2579/2015

And

CP No.115/2016 in OA No.2580/2015

New Delhi, this the 8th day of December, 2016

**Hon'ble Mr. Justice Permod Kohli, Chairman
Hon'ble Mr. Shekhar Agarwal, Member (A)**

CP No.786/2015 in OA No.2550/2015

1. Satya Prakash(Aged about 51 years)
S/o Sh. Jewan Das
Working as ainter
Under Dy. CE/C/S/Tilak Bridge, New Delhi
R/o H.No.542/24, Jagdish Colony
Rohtak.
2. Ganesh Dutt(Aged about 56 years)
S/o Sh. Ram Dutt, Working as Helper
Under Dy. CE/C/S/Tilak Bridge
New Delhi, Ballabghar.
3. Surender Kumar(Aged about 52 years)
S/o Sh. Madan Lal,Working as Safaiwala
Under Dy. CE/C/S/Tilak Bridge
New Delhi, R/o Gali No.9
Sharda Nagar, Balmiki Basti
Saharanpur(UP).
4. P. Chander Mohan (Aged about 52 years)
S/o Sh. P. Bairagi
Working as Chawkidar
Under Dy. CE/C/S/Tilak Bridge, New Delhi
R/o H.No.108-C4, Railway Colony
Tughlakabad, New Delhi. ..Applicants

(By Advocate: Sh. P S Khare with Shri H P Chaturvedi)

Versus

1. Shri A K Purthia
General Manager
Northern Railway
Baroda House, New Delhi.
2. Shri B D Garg
Chief Administrative Officer/Construction
Northern Railway, Kashmere Gate
Delhi. ...Respondents

(By Advocates: Shri V.S.R. Krishna, Shri Shailesh Tiwari and Shri Navneet Patil for Shri Satpal Singh)

CP No.111/2016 in OA No.2657/2015

Chandra Datt, Aged about 57 years
S/o Sh. Krishna Nand
R/o 415, Railway Quarter
Lodhi Colony, New Delhi. ..Applicant

(By Advocate: Sh. P S Khare with Shri H P Chaturvedi)

Versus

1. Shri A K Purthia
General Manager
Northern Railway
Baroda House, New Delhi.
2. Shri Jogesh Malhotra
Dy. Chief Commercial Manager/Catering
Parliament House, New Delhi. ...Respondents

(By Advocates: Shri V.S.R. Krishna with Shri A.K. Srivastava and Shri S M Arif)

CP No.112/2016 in OA No.2651/2015

Surinder Singh, Aged about 55 years
S/o Sh. Kunwar Singh
R/o 37/2, Railway Colony
Kishan Ganj, Delhi. ..Applicant

(By Advocate: Sh. P S Khare with Shri H P Chaturvedi)

Versus

1. Shri A K Purthia
General Manager
Northern Railway
Baroda House, New Delhi.
2. Shri Jogesh Malhotra
Dy. Chief Commercial Manager/Catering
Parliament House, New Delhi.Respondents

(By Advocates: Shri V.S.R. Krishna with Shri A.K. Srivastava and Shri S M Arif)

CP No.113/2016 in OA No.2636/2015

Ramji Lal, Aged about 53 years
S/o Sh. Mewa Ram
R/o 195, Railway Enclave
Sector-12, Ghaziabad(UP) ..Applicant

(By Advocate: Sh. P S Khare with Shri H P Chaturvedi)

Versus

1. Shri A K Purthia
General Manager
Northern Railway
Baroda House, New Delhi.
2. Shri Jogesh Malhotra
Dy. Chief Commercial Manager/Catering
Parliament House, New Delhi.Respondents

(By Advocates: Shri V.S.R. Krishna with Shri A.K. Srivastava and Shri S M Arif)

CP No.114/2016 in OA No.2579/2015

Rakesh Kumar, Aged about 59 years
S/o Sh. Ram Chandra
R/o J-178/A, Sector 9, Vijay Nagar
Ghaziabad. ..Applicant

(By Advocate: Sh. P S Khare with Shri H P Chaturvedi)

Versus

1. Shri A K Purthia
General Manager

Northern Railway
Baroda House, New Delhi.

2. Shri Jogesh Malhotra
Dy. Chief Commercial Manager/Catering
Parliament House, New Delhi. ...Respondents

(By Advocates: Shri V.S.R. Krishna with Shri A.K. Srivastava and Shri S M Arif)

CP No.115/2016 in OA No.2580/2015

Rajendra Prasad, Aged about 59 years
S/o Late Sh. Shyam Lal
R/o H.No. 154, Block-B, Vikash Kunj
Loni Road, Ghaziabad. ..Applicant

(By Advocate: Sh. P S Khare with Shri H P Chaturvedi)

Versus

1. Shri A K Purthia
General Manager
Northern Railway
Baroda House, New Delhi.

2. Shri Jogesh Malhotra
Dy. Chief Commercial Manager/Catering
Parliament House, New Delhi. ...Respondents

(By Advocates: Shri V.S.R. Krishna with Shri A.K. Srivastava and Shri S M Arif)

ORDER (ORAL)

Justice Permod Kohli, Chairman :-

All these Contempt Petitions have arisen out of similar nature of directions issued by this Tribunal in different cases. One of the direction issued in OA No.2550/2015 decided vide Order dated 20.07.2015 is reproduced hereunder:-

"8. In view of the above position, we dispose of this OA with the direction to the respondents verify the factual position stated by the applicants with regard to their service rendered by them and to count 50% of casual service and the entire 100% temporary status casual service rendered by the applicants as qualifying service for the purpose of granting them the benefits under MACP and benefits under the pensionary rules. The respondents shall also pass appropriate orders implementing the aforesaid directions within a period of two months from the date of receipt of a copy of this order. There shall be no orders as to costs."

2. In CP Nos.786/15, 114/2016 and 115/2016, the writ petitions are pending before the Hon'ble Delhi High Court. The Hon'ble Delhi High Court has, however, stayed the Order of this Tribunal only to the extent of grant of MACP benefits as is evident from the order dated 01.12.2016 passed in bunch of Writ Petitions. In so far as the CP Nos.111/2016, 112/2016 and 113/2016 are concerned, the Writ Petitions preferred by the respondents have been dismissed by the Hon'ble Delhi High Court. In CP No.111/2016, Shri S.M. Arif, learned counsel appearing on behalf of the respondents has filed compliance affidavit dated 21.07.2016 and in para 9 thereof reference is made to various SLPs filed before the Hon'ble Supreme Court against the dismissal of writ petitions by the Hon'ble High Court. Shri Arif submits that as regards OA No.2657/2015, 2651/2015 and 2636/2015 relating to CP No.111/2016,

112/2016 and 113/2016, similar SLPs have been filed or are in the process of being filed. Insofar as the other directions contained in various Orders sought to be implemented through these CPs regarding grant of pensionary benefits by granting 50% of Casual service and 100% of temporary service are concerned, these directions have been complied with. There is, however, a discrepancy in the compliance order dated 07.12.2016 arising out of CP No.111/2016, in para 1 whereof the date of engagement of the applicant as Casual Labour has been mentioned as 11.11.1980, whereas in last para of the said order, the date of initial engagement has been referred to as 16.02.1982. Shri V.S.R. Krishna submits that this discrepancy has occurred due to inadvertent mistake or error. He, however, undertakes to rectify the discrepancy on re-examination of the service record of the applicant in CP No.111/2016. Similar discrepancy has crept in, in the order dated 07.12.2016 arising out of CP No.114/2016. Shri Krishna submits that any discrepancy in the compliance order as regards the date of engagement of the petitioners in these CPs shall be examined and wherever the error is found on the basis of the record, the same shall be rectified and consequential benefits would be given to the concerned applicants.

3. We have examined the orders passed by the respondents granting pensionary benefits pursuant to the directions of this court except MACP. Substantially, the judgments have been complied with. MACP issue is either pending before the Hon'ble Supreme Court in SLPs or before the Delhi High Court in Writ Petitions. Therefore, to that extent we do not want to make any observation in the present Contempt Proceedings. The contempt proceedings are dropped in view of the substantial compliance of the directions of this Tribunal with liberty to the applicants to file fresh contempt petitions in the event the entire judgment survives in the SLPs/Writ Petitions. Notices issued to the alleged contemnors are discharged.

**(Shekhar Agarwal)
Member(A)**

**(Justice Permod Kohli)
Chairman**

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